

**SEVENTY-SECOND DAY - MAY 4, 2005****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 4, 2005

**PRAYER**

The prayer was offered by Pastor Brian Friedrich, President, Concordia University, Seward.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senators Brown, Combs, and Landis who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-first day was approved.

**NOTICE OF COMMITTEE HEARING**  
**Health and Human Services**  
Room 1510

LR 65                      Tuesday, May 17, 2005                      1:00 p.m.

Tuesday, May 17, 2005                      1:00 p.m.

Mary Ann Burke - Commission for the Deaf and Hard of Hearing  
Michael J. Carruthers - Commission for the Deaf and Hard of Hearing  
Daniel R. Darnall - Commission for the Deaf and Hard of Hearing  
Steven Dokken - Rural Health Advisory Commission  
Joellen McGinn - Foster Care Review Board  
James C. Schiefen - State Board of Health

(Signed) Jim Jensen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 421.** Title read. Considered.

The Standing Committee amendment, AM1240, printed separately and referred to on page 1330, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 422.** Title read. Considered.

The Standing Committee amendment, AM1295, found on page 1330, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 423.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 424.** Title read. Considered.

The Standing Committee amendment, AM1284, printed separately and referred to on page 1334, was considered.

Senator Schimek renewed her pending amendment, AM1372, found on page 1360, to the Standing Committee amendment.

The Schimek amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:

AM1447

(Amendments to Standing Committee amendments, AM1284)

1 PURPOSE: The Game and Parks Commission was awarded \$2,047,730 in  
2 grants from the Nebraska Environmental Trust Fund in 2005 for  
3 wildlife habitat and other environmental improvement purposes.  
4 Several of these grants were for multi-year projects and the intent  
5 was expressed to provide additional funding in the subsequent two  
6 years. Specifically, intent was expressed to provide additional  
7 funding of \$597,699 in 2006 and \$75,000 in 2007. This amendment  
8 would reduce the Cash Fund appropriation used by the Game and Parks  
9 Commission for similar habitat and environmental purposes by  
10 \$350,000 in FY2005-06.

11 AMENDMENT:

12 1. On page 33, line 4, after "authority" insert "and

13 less \$350,000 of Cash Fund appropriation authority".

# **SENATOR JANSSEN PRESIDING**

# **SENATOR CUDABACK PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Flood

Voting in the negative, 19:

Beutler	Engel	Jensen	Price	Synowiecki
Brashear	Erdman	Kopplin	Schrock	Thompson
Connealy	Heidemann	Kruse	Smith	Wehrbein
Cornett	Howard	Landis	Stuhr	

Present and not voting, 27:

Aguilar	Chambers	Hudkins	McDonald	Redfield
Baker	Cudaback	Janssen	Mines	Schimek
Bourne	Cunningham	Johnson	Pahls	Stuthman
Brown	Fischer	Kremer	Pederson, D.	
Burling	Foley	Langemeier	Preister	
Byars	Friend	Louden	Raikes	

Excused and not voting, 2:

Combs                      Pedersen, Dw.

The Chambers amendment lost with 1 aye, 19 nays, 27 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Reconsider the vote taken on AM1447.

The Chambers motion to reconsider failed with 3 ayes, 18 nays, 26 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following motion:  
Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 82, 161, 211, 401, and 682.

#### **Correctly Engrossed**

The following bill was correctly engrossed: LB 753.

(Signed) Michael Flood, Chairperson

### **AMENDMENT - Print in Journal**

Senator Beutler filed the following amendment to LB 70:  
AM1435

(Amendments to Standing Committee amendments, AM7088)

- 1 1. On page 17, line 2, strike "A", show as stricken, and
- 2 insert "(a) Until January 1, 2008, a person shall not operate or be
- 3 a passenger on a motorcycle or moped on any highway in this state
- 4 unless such person is wearing eye protection.
- 5 (b) On and after January 1, 2008, a"; and strike
- 6 beginning with "Except" in line 16 through "(3)" in line 21.

### **VISITORS**

Visitors to the Chamber were Rebecca Miller from Weeping Water; 33 fourth-grade students and teacher from St. Mary's School, Bellevue; 90 twelfth-grade students and teacher from Millard West High School, Omaha; 46 fourth-grade students and teachers from Alcott Elementary School, Hastings; 6 fourth-grade students and teacher from Southeast Consolidated School, Stella; and 24 members of the Nebraska Federation of Women's Club from across the state.

### **RECESS**

At 11:56 a.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senator Hudkins who was excused until she arrives.

**GENERAL FILE**

**LEGISLATIVE BILL 425.** Title read. Considered.

The Standing Committee amendment, AM0521, printed separately and referred to on page 1334, was considered.

Senator Foley asked unanimous consent to withdraw his pending amendment, AM1330, found on page 1338, and replace it with his substitute amendment, AM1374, to the Standing Committee amendment. No objections. So ordered.

AM1374

(Amendments to Standing Committee amendments, AM0521)

1 1. On page 36, strike line 5 and insert "FEDERAL FUND  
2 est. 13,486,723 13,831,310"; strike line 6 and insert "PROGRAM  
3 TOTAL 29,775,289 30,540,339"; and after line 16 insert:  
4 "There is included in the appropriation to this program  
5 for FY2005-06 \$250,000 Federal Temporary Assistance For Needy  
6 Families (TANF) Funds to be used for a grant from Program 177 for  
7 the purposes described in this section. There is included in the  
8 appropriation to this program for FY2006-07 \$250,000 Federal  
9 Temporary Assistance For Needy Families (TANF) Funds to be used for  
10 a grant from Program 177 for the purposes described in this  
11 section. Funds shall be used for a pilot program to provide  
12 assistance to women who are pregnant or who believe they may be  
13 pregnant.  
14 It is the intent of the Legislature that the department  
15 shall conduct a competitive solicitation for a grant award to a  
16 nonprofit entity to act as a service provider to conduct the pilot  
17 program. In order to qualify for a grant from this appropriation,  
18 the applicant selected shall have demonstrated experience operating  
19 a program that has a stated purpose of assisting pregnant women  
20 with services that include, but are not limited to, the provision  
21 of maternity and infant clothing, food, and supplies, information  
22 about pregnancy and medical services, information about adoption,  
23 nutrition, parenting, and the availability of additional public and  
1 private assistance to pregnant women and mothers of newborn  
2 children. The pilot program shall not refer for, perform, or  
3 counsel for abortions and shall be physically and financially

4 separate from any program that refers for, performs, or counsels  
5 for abortions.".

Senator Jensen moved the previous question. The question is, "Shall the  
debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not  
voting.

Senator Foley moved for a call of the house. The motion prevailed with 33  
ayes, 0 nays, and 16 not voting.

Senator Foley requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Baker	Cunningham	Foley	Kremer	Schrock
Brashear	Engel	Friend	Langemeier	Smith
Combs	Erdman	Heidemann	Louden	Stuhr
Cornett	Fischer	Jensen	Mines	Stuthman
Cudaback	Flood	Kopplin	Pahls	Wehrbein

Voting in the negative, 10:

Chambers	Janssen	Kruse	Pederson, D.	Raikes
Howard	Johnson	Landis	Price	Thompson

Present and not voting, 11:

Aguilar	Brown	McDonald	Schimek
Beutler	Byars	Preister	Synowiecki
Bourne	Connealy	Redfield	

Excused and not voting, 3:

Burling	Hudkins	Pedersen, Dw.
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The Foley amendment was adopted with 25 ayes, 10 nays, 11 present and  
not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**LEGISLATIVE BILL 737.** Title read. Considered.

The Standing Committee amendment, AM1294, found on page 1311, was  
considered.

**SENATOR SCHIMEK PRESIDING**

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Wehrbein offered the following amendment:

FA222

On page 2 strike lines 24 through 27 and line 28 on page 2 and lines 1-3 on page 3.

Pending.

### **SELECT COMMITTEE REPORT** **Enrollment and Review**

**LEGISLATIVE BILL 117.** Placed on Select File as amended.

(E & R amendment, AM7091, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

### **AMENDMENTS - Print in Journal**

Senators Raikes, Flood, and Kopplin filed the following amendment to LB 425:

AM1432

(Amendments to Standing Committee amendments, AM0521)

- 1 PURPOSE: Provide a five percent rather than a three percent
- 2 increase in special education aid.
- 3 AMENDMENT:
- 4 1. On page 19, strike line 25 and insert "GENERAL FUND
- 5 869,747,595 928,224,142".
- 6 2. On page 20, strike line 1 and insert "PROGRAM TOTAL
- 7 1,117,453,105 1,183,800,911"; in line 3 strike "\$866,524,661" and
- 8 insert "\$869,747,595"; in line 6 strike "\$921,520,438" and insert
- 9 "\$928,224,142"; in line 21 strike "\$165,981,123" and insert
- 10 "\$169,204,057"; and in line 23 strike "\$170,960,556" and insert
- 11 "\$177,664,260".

Senator D. Pederson filed the following amendment to LB 425:

AM1364

(Amendments to Standing Committee amendments, AM0521)

- 1 1. On page 62, after line 24 insert the following new
- 2 paragraph:
- 3 "There is included in the appropriation to this program
- 4 \$504,700 General Funds for FY2005-06 and \$519,841 General Funds for
- 5 FY2006-07, which shall only be used for the following purposes:
- 6 Reimbursement for the provision of pap smears, colposcopy, cervical
- 7 biopsy, cryotherapy, loop electrosurgical excision procedure
- 8 (LEEP), and such other treatments and procedures as may be

9 developed for the followup of abnormal pap smears; the diagnosis  
 10 and treatment of sexually transmitted diseases, including, but not  
 11 limited to, chlamydia, gonorrhea, HPV (genital warts), and herpes;  
 12 and associated laboratory and equipment costs and staff training  
 13 costs relating to the use of colposcopy equipment. None of the  
 14 General Funds provided under this program shall be used to perform  
 15 or facilitate the performance of abortion or to counsel or refer  
 16 for abortion."

Senator Byars filed the following amendment to LB 425:  
 AM1440

(Amendments to Standing Committee amendments, AM0521)

1 PURPOSE: Increase funding by \$643,436 General Funds and \$951,406  
 2 Federal Funds in FY2005-06 and \$1,675,145 General Funds and  
 3 \$2,678,527 Federal Funds in FY2006-07 to fund rate equity for  
 4 developmental disability providers.

5 AMENDMENT:

6 1. On page 58, strike line 21 and insert "GENERAL FUND  
 7 59,101,681 62,150,729"; strike line 23 and insert "FEDERAL FUND  
 8 est. 98,752,332 111,665,410"; strike line 24 and insert "PROGRAM  
 9 TOTAL 163,966,013 179,928,139"; in line 26 strike "\$58,458,245"  
 10 and insert "\$59,101,681"; and in line 27 strike "\$97,800,926" and  
 11 insert "\$98,752,332".

12 2. On page 59, line 2, strike "\$60,475,584" and insert  
 13 "\$62,150,729"; in line 3 strike "\$108,986,883" and insert  
 14 "\$111,665,410"; in line 6 strike "\$1,282,906" and insert  
 15 "\$1,926,342" and strike "\$1,924,359" and insert "\$2,875,765"; and  
 16 in line 9 strike "\$2,591,470" and insert "\$4,266,615" and strike  
 17 "\$3,887,205" and insert "\$6,565,732".

Senator Mines filed the following amendment to LB 425:  
 AM1438

(Amendments to Standing Committee amendments, AM0521)

1 1. On page 17, lines 14 and 15 strike each occurrence of  
 2 "8,777,193" and insert "11,777,193"; and in lines 17 and 19 strike  
 3 "8,777,193" and insert "11,777,193".

Senator Bourne filed the following amendment to LB 425:  
 FA216

Amend AM0521

On page 141, strike lines 8-10 and insert:

Cash Fund	1,000,000	1,000,000
Program Total	1,000,000	1,000,000
Salary Limit	600,000	600,000

Senator Baker filed the following amendment to LB 343:  
 (Amendment, AM1326, is printed separately and available in the Bill Room,  
 Room 1104.)



Senator Chambers filed the following amendment to LB 425:  
AM1441

(Amendments to Standing Committee amendments, AM0521)

- 1 1. On page 2, strike line 25 and insert "GENERAL FUND  
2 7,168,783 7,546,141".
- 3 2. On page 3, strike line 1 and insert "PROGRAM TOTAL  
4 7,378,053 7,755,411".
- 5 3. On page 5, strike line 15 and insert "GENERAL FUND  
6 23,567,316 24,270,460"; and strike line 18 and insert "PROGRAM  
7 TOTAL 25,201,821 25,910,465".
- 8 4. On page 12, strike line 18 and insert "GENERAL FUND  
9 5,543,764 5,904,104"; and strike line 22 and insert "PROGRAM  
10 TOTAL 7,428,660 7,698,012".
- 11 5. On page 19, strike line 13 and insert "GENERAL FUND  
12 9,300,510 9,586,495"; and strike line 17 and insert "PROGRAM  
13 TOTAL 22,519,419 23,011,486".
- 14 6. On page 29, strike line 6 and insert "GENERAL FUND  
15 21,063,484 21,618,682"; and strike line 9 and insert "PROGRAM  
16 TOTAL 22,318,596 22,656,629".
- 17 7. On page 32, strike line 10 and insert "GENERAL FUND  
18 1,545,718 1,587,807"; and strike line 14 and insert "PROGRAM  
19 TOTAL 2,602,746 2,666,167".
- 20 8. On page 36, strike line 3 and insert "GENERAL FUND  
21 5,466,555 5,611,914"; and strike line 6 and insert "PROGRAM TOTAL  
22 29,515,289 30,280,339".
- 23 9. On page 42, strike line 3 and insert "GENERAL FUND  
1 52,919,882 56,270,438"; and strike line 6 and insert "PROGRAM  
2 TOTAL 124,320,488 128,688,364".
- 3 10. On page 49, strike line 20 and insert "GENERAL FUND  
4 33,784,634 34,002,390"; and strike line 23 and insert "PROGRAM  
5 TOTAL 113,789,918 129,738,585".
- 6 11. On page 73, strike line 13 and insert "GENERAL FUND  
7 6,300,556 6,119,122"; and strike line 16 and insert "PROGRAM  
8 TOTAL 7,485,591 7,304,157".
- 9 12. On page 79, strike line 25 and insert "GENERAL FUND  
10 4,683,049 4,809,255"; and strike line 27 and insert "PROGRAM  
11 TOTAL 17,659,123 18,133,686".
- 12 13. On page 82, after line 24 insert:  
13 "FY2005-06 FY2006-07  
14 GENERAL FUND 200,000 200,000  
15 PROGRAM TOTAL 200,000 200,000  
16 SALARY LIMIT 200,000 200,000"  
17 and strike line 27.
- 18 14. On page 83, strike lines 1 through 6.
- 19 15. On page 84, strike line 10 and insert "GENERAL FUND  
20 135,037,972 139,259,387"; and strike line 14 and insert "PROGRAM  
21 TOTAL 157,704,890 162,661,370".
- 22 16. On page 87, strike line 5 and insert "GENERAL FUND  
23 8,722,618 8,999,127"; and strike line 7 and insert "PROGRAM TOTAL

24 8,912,440 9,191,886".

25 17. On page 90, strike line 11 and insert "GENERAL FUND  
26 38,294,336 40,857,931"; and strike line 15 and insert "PROGRAM  
27 TOTAL 80,415,693 82,979,288".

1 18. On page 92, strike lines 12 and 13 and insert  
2 "GENERAL FUND 428,149,202 454,176,041  
3 PROGRAM TOTAL 428,149,202 454,176,041".

4 19. On page 99, strike line 13 and insert "GENERAL FUND  
5 4,030,106 4,152,714"; and strike line 16 and insert "PROGRAM  
6 TOTAL 6,054,115 6,234,873".

7 20. On page 103, strike line 1 and insert "GENERAL FUND  
8 43,216,623 45,684,834"; and strike line 4 and insert "PROGRAM  
9 TOTAL 45,484,147 47,952,358".

10 21. On page 117, strike line 23 and insert "GENERAL FUND  
11 3,593,685 3,651,784"; and strike line 25 and insert "PROGRAM  
12 TOTAL 3,610,935 3,669,034".

13 22. On page 122, strike line 17 and insert "GENERAL FUND  
14 2,405,684 2,481,239"; and strike line 20 and insert "PROGRAM  
15 TOTAL 3,688,166 3,763,721".

16 23. On page 142, strike line 5 and insert "GENERAL FUND  
17 4,513,306 4,664,873"; and strike line 7 and insert "PROGRAM TOTAL  
18 5,113,306 5,264,873".

Senator Chambers filed the following amendment to LB 425:  
AM1379

(Amendments to Standing Committee amendments, AM0521)

- 1 1. Insert the following new section:
- 2 "Sec. 7. LEGISLATIVE INTENT.
- 3 It is the intent of the Legislature that there shall be
- 4 no discrimination by any agency receiving funds under this act
- 5 against any person based on sexual orientation."
- 6 2. Renumber the remaining sections and correct internal
- 7 references accordingly.

Senator Chambers filed the following amendments to LB 425:  
(The following amendments are similar to the above amendment but amend different sections relating to specific agencies within the Standing Committee amendment. These amendments are on file and available in the Clerk's Office, Room 2014: AM1380 through AM1428 and AM1436.)

Senator Chambers filed the following amendment to LB 425:  
AM1442

(Amendments to Standing Committee amendments, AM0521)

- 1 PURPOSE: To make low-level settlement payment over two years.
- 2 AMENDMENT:
- 3 1. On page 18, strike lines 25 and 26 and insert:
- 4 "CASH FUND 74,247,506 74,247,506
- 5 PROGRAM TOTAL 74,247,506 74,247,506".

Senator Chambers filed the following amendment to LB 425:  
AM1444

(Amendments to Standing Committee amendments, AM0521)

1 PURPOSE: To make low-level settlement payment over three years.

2 AMENDMENT:

3 1. On page 18, strike lines 25 and 26 and insert:

4 "CASH FUND 50,403,658 50,403,658

5 PROGRAM TOTAL 50,403,658 50,403,658".

Senator Chambers filed the following amendment to LB 425:  
AM1431

(Amendments to Standing Committee amendments, AM0521)

1 PURPOSE: Eliminate funding for the textbook loan program.

2 AMENDMENT:

3 1. On page 19, strike line 25 and insert "GENERAL FUND

4 866,104,661 921,100,438".

5 2. On page 20, strike line 1 and insert "PROGRAM TOTAL

6 1,113,810,171 1,176,677,207"; in line 3 strike "\$866,524,661" and

7 insert "\$866,104,661"; in line 6 strike "\$921,520,438" and insert

8 "\$921,100,438"; and strike lines 25 through 27.

9 3. On page 21, strike line 1.

Senator Chambers filed the following amendment to LB 425:  
AM1439

(Amendments to Standing Committee amendments, AM0521)

1 PURPOSE: The Game and Parks Commission was awarded \$2,047,730 in

2 grants from the Nebraska Environmental Trust Fund in 2005 for

3 wildlife habitat and other environmental improvement purposes.

4 Several of these grants were for multi-year projects and the intent

5 was expressed to provide additional funding in the subsequent two

6 years. Specifically, intent was expressed to provide additional

7 funding of \$597,699 in 2006 and \$75,000 in 2007. This amendment

8 would reduce the Cash Fund appropriation used by the Game and Parks

9 Commission for similar habitat and environmental purposes by

10 \$247,699 in FY2005-06 and by \$75,000 in FY2006-07.

11 AMENDMENT:

12 1. On page 78, strike line 13 and insert "CASH FUND

13 18,163,229 18,975,086"; and strike line 15 and insert "PROGRAM

14 TOTAL 19,370,037 20,235,043".

Senator Chambers filed the following amendment to LB 425:  
AM1437

(Amendments to Standing Committee amendments, AM0521)

1 PURPOSE: To reduce the General Fund appropriation for Peru State

2 College by \$250,000 for FY2005-06 and \$250,000 for FY2006-07.

3 AMENDMENT:

4 1. On page 90, strike line 11 and insert "GENERAL FUND

5 38,054,336 40,617,931"; and strike line 15 and insert "PROGRAM

6 TOTAL 80,175,693 82,739,288".

Senator Chambers filed the following amendment to LB 427:  
AM1443

(Amendments to Standing Committee amendments, AM1288)

- 1 PURPOSE: To transfer money for payment of the low-level settlement
- 2 over two years from the Cash Reserve Fund to the Low-Level
- 3 Radioactive Waste Settlement Fund.
- 4 AMENDMENT:
- 5 1. On page 3, strike lines 12 through 15 and insert:
- 6 "(7) On July 29, 2005, and July 29, 2006, the State
- 7 Treasurer shall transfer seventy-four million two hundred
- 8 forty-seven thousand five hundred six dollars from the Cash Reserve
- 9 Fund to the Low-Level Radioactive Waste Settlement Fund.".

Senator Chambers filed the following amendment to LB 427:  
AM1445

(Amendments to Standing Committee amendments, AM1288)

- 1 PURPOSE: To transfer money for payment of the low-level settlement
- 2 over three years from the Cash Reserve Fund to the Low-Level
- 3 Radioactive Waste Settlement Fund.
- 4 AMENDMENT:
- 5 1. On page 3, strike lines 12 through 15 and insert:
- 6 "(7) On July 29, 2005, July 29, 2006, and July 29, 2007,
- 7 the State Treasurer shall transfer fifty million four hundred three
- 8 thousand six hundred fifty-eight dollars from the Cash Reserve Fund
- 9 to the Low-Level Radioactive Waste Settlement Fund.".

### **MOTION - Print in Journal**

Senator Schimek filed the following motion to LB 425:  
Reconsider the vote taken on AM1374.

### **AMENDMENT - Print in Journal**

Senators Stuthman and Bourne filed the following amendment to LB 425:  
AM1378

(Amendments to Standing Committee amendments, AM0521)

- 1 1. On page 86, lines 20 and 21 strike each occurrence of
- 2 "3,501,405" and insert "4,062,405"; and in lines 24 and 26 strike
- 3 "\$3,501,405" and insert "\$4,062,405".

### **GENERAL FILE**

**LEGISLATIVE BILL 737.** The Wehrbein pending amendment, FA222, found in this day's Journal, was renewed.

**SENATOR CUDABACK PRESIDING**

Senator Wehrbein withdrew his amendment.

Senator Chambers offered the following amendment:

FA224

On page 2 strike lines 24 through 27 and line 28 on page 2 and lines 1-3 on page 3.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 13:

Byars	Erdman	Jensen	Redfield	Wehrbein
Chambers	Heidemann	McDonald	Smith	
Cornett	Howard	Preister	Thompson	

Voting in the negative, 21:

Aguilar	Brown	Flood	Kruse	Synowiecki
Baker	Combs	Friend	Mines	
Beutler	Connealy	Janssen	Raikes	
Bourne	Cunningham	Kopplin	Schrock	
Brashear	Engel	Kremer	Stuhr	

Present and not voting, 10:

Cudaback	Foley	Louden	Pederson, D.	Schimek
Fischer	Johnson	Pahls	Price	Stuthman

Excused and not voting, 5:

Burling	Hudkins	Landis	Langemeier	Pedersen, Dw.
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The Chambers amendment lost with 13 ayes, 21 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA223

On page 2, strike lines 20-23.

Senator Chambers withdrew his amendment.

Advanced to E & R for review with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

**NOTICE OF COMMITTEE HEARING**  
**Government, Military and Veterans Affairs**  
Room 1507

Thursday, May 12, 2005

8:30 a.m.

Brenda L. Decker - Chief Information Officer

Kim Quandt - Accountability and Disclosure Commission

(Signed) DiAnna R. Schimek, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 364.** Title read. Considered.

The Standing Committee amendment, AM1210, printed separately and referred to on page 1207, was considered.

**SPEAKER BRASHEAR PRESIDING**

Senator Stuhr renewed her pending amendment, AM1293, found on page 1278, to the Standing Committee amendment.

The Stuhr amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LR 93 and 94 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 93 and 94.

**GENERAL FILE**

**LEGISLATIVE BILL 683.** Title read. Considered.

The Standing Committee amendment, AM0641, found on page 659, was considered.

**SENATOR CUDABACK PRESIDING**

The Standing Committee amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 542.** The Standing Committee amendment, AM0932, found on page 1003 and considered on page 1363, was renewed.

Senator Beutler renewed his pending amendment, AM1228, found on page 1217, to the Standing Committee amendment.

Pending.

### **AMENDMENTS - Print in Journal**

Senator Jensen filed the following amendment to LB 542:  
AM1448

(Amendments to AM1099)

- 1 1. On page 1, line 4, strike "fifteen" and insert
- 2 "sixteen"; in line 17 strike "and"; and in line 19 after "Governor"
- 3 insert "; and
- 4 (8) One representative of the health care sector
- 5 appointed by the Governor".

Senator Beutler filed the following amendment to LB 542:  
FA226

Amend AM1099

Add the following new paragraph to Section 2 as follows: "All appointments by the governor shall be from lists of not more than three names supplied by the executive board of the legislature."

### **VISITORS**

Visitors to the Chamber were 45 fourth-grade students and teachers from Arbor Park Middle School, Blair; 18 kindergarten through eighth-grade students and teacher from Trinity Lutheran School, Hoskins; 31 sixth-grade students and teacher from Ponca; and Sandy Larvick and Jacob Bossman from Iowa and Nick Kistermacher from Tennessee.

### **ADJOURNMENT**

At 7:03 p.m., on a motion by Senator Kopplin, the Legislature adjourned until 9:00 a.m., Thursday, May 5, 2005.

Patrick J. O'Donnell  
Clerk of the Legislature

